

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

Street: 603 EVERGREEN PLAZA BUILDING - 711 CAPITOL WAY

Mail: P.O. BOX 40919 OLYMPIA, WASHINGTON 98504-0919

(360) 753-3444

DO NOT WRITE IN THIS SPACE

REQUEST FOR GRIEVANCE MEDIATION

Instructions: See other side of this form.

Applicable Rules: Chapters 391-08 and 391-55 WAC.

1. PARTIES AND SUBMISSION The employee organization and/or employer request mediation services for certain issues arising out of a grievance concerning interpretation or application of an existing collective bargaining agreement.

a. EMPLOYER

CONTACT PERSON
 ADDRESS
 CITY/STATE ZIP
 TELEPHONE (.....) EXT. FAX (.....)

ATTORNEY or
 REPRESENTATIVE
 ADDRESS
 CITY/STATE ZIP
 TELEPHONE (.....) EXT. FAX (.....)

b. EMPLOYEE ORGANIZATION

CONTACT PERSON
 ADDRESS
 CITY/STATE ZIP
 TELEPHONE (.....) EXT. FAX (.....)

ATTORNEY or
 REPRESENTATIVE
 ADDRESS
 CITY/STATE ZIP
 TELEPHONE (.....) EXT. FAX (.....)

c. EMPLOYER'S PRINCIPAL BUSINESS

d. COLLECTIVE BARGAINING AGREEMENT A copy of the parties' current (or most recent) collective bargaining agreement is attached.

e. DESCRIPTION OF BARGAINING UNIT Indicate inclusions/ exclusions, contract page or case/decision number:

f. NUMBER OF EMPLOYEES IN BARGAINING UNIT

g. ARBITRATOR'S DECISION The parties agree that any unresolved issues shall be submitted to an arbitrator for a final and binding decision enforceable by a court of competent jurisdiction.

h. ECONOMIC ACTION WITHHELD The parties recognize that mediation and arbitration are a substitute for economic action, and agree that there shall be no strike or lockout on any matter submitted for grievance mediation.

2. GRIEVANCE The grievance to be submitted to the mediator is as follows:

3. DESIGNATION OF REQUEST The mediation services requested from the Commission are as follows:

[] ASSIGNMENT OF A MEDIATOR FROM THE COMMISSION'S STAFF; OR

[] SUPPLY A LIST OF ____ NAMES FROM THE DISPUTE RESOLUTION PANEL CREATED UNDER WAC 391-55-110.

4. AUTHORIZED SIGNATURES (Request may be submitted by employer, the employee organization, or by those parties jointly)

FOR EMPLOYER

NAME (PRINT) TITLE

SIGNATURE DATE

FOR ORGANIZATION

NAME (PRINT) TITLE

SIGNATURE DATE

INSTRUCTIONS FOR GRIEVANCE MEDIATION CASES

A. APPLICABLE RULES The Public Employment Relations Commission (PERC) provides grievance mediation services under Chapter 41.58 RCW and Chapter 391-55 WAC. The rules are available from PERC at (360) 753-3444 or on the web at www.olywa.net/perc. Parties should familiarize themselves with all of the rules applicable to their case.

B. FORM Fill in all information called for on the form. If you lack information (such as what representative will be used by a party), insert "Unknown".

Item 1.a. The named Employer must be a party to the collective bargaining agreement under which the grievance to be mediated arises.

Item 1.b. The named Employee Organization must be the other party to the collective bargaining agreement under which the grievance arises.

Item 1.c. Examples are: "City", "County", "School District", "Community College", "Technical College", "University", "Port District".

Item 1.d. ATTACH the collective bargaining agreement under which the dispute arises (single-sided, unbound documents are preferred).

Item 1.e. Describe the bargaining unit by listing the types of employees included and excluded, OR the contract page where the "recognition" clause is found, OR the case number or decision number from the latest PERC certification or unit clarification.

Item 1.f. Indicate the number of employees in the bargaining unit.

Item 2. Describe the dispute. If more space is needed, ATTACH ADDITIONAL SHEETS containing the information.

Item 3. Indicate: **STAFF MEDIATORS:** PERC staff members are assigned as mediator, without charge to the parties. Grievance mediation services are, however, subject to interruption or delay when staff members are assigned to cases of a higher priority.

DISPUTE RESOLUTION PANEL: PERC maintains a list of independent professionals qualified to act as arbitrators (and mediators) of labor-management disputes. WAC 391-55-110. Lists of Dispute Resolution Panel members are made available by PERC, upon request of parties, under WAC 391-65-090. PERC does not charge for such lists. PERC does not become involved in arrangements between parties and Dispute Resolution Panel members. All fees and expenses charged by selected Dispute Resolution Panel members are the responsibility of the parties. Referrals from the Dispute Resolution Panel are by random selection, by computer. To reduce the need for parties to request additional lists when one or more listed panel members is unavailable, PERC routinely supplies at least 7 names, or two more names than are requested by the parties. What the parties do with the extra names is left entirely to the parties.

C. FILING Take or send the completed and signed form with all attachments (plus one copy with all attachments) to PERC's Olympia office. PERC accepts grievance mediation requests (up to a maximum of ten pages) by telefacsimile transmission (fax), subject to a requirement for same-day mailing of the original and 1 copy. The party sending a fax is responsible for confirming that the material was complete and legible when received.

D. SERVICE Beginning with the filing of a request and continuing throughout the proceedings, any party that submits papers to PERC is required to give or send a copy to all other parties to the case. WAC 391-08-120 includes:

(3) A party which files or submits any papers to the agency shall serve a copy of the papers upon all counsel and representatives of record, and upon all parties not represented by counsel or upon their agents designated by them or by law. Service shall be completed no later than the day of filing or submission under subsection (1) or (2) of this section, by one of the following methods:

(a) Service may be made personally, and shall be regarded as completed when delivered in the manner provided in RCW 4.28.080;

(b) Service may be made by first class, registered, or certified mail, and shall be regarded as completed upon deposit in the United States mail properly stamped and addressed.

(c) Service may be made by telegraph or by commercial parcel delivery company, and shall be regarded as completed when deposited with a telegraph company or parcel delivery company properly addressed and with charges prepaid.

(d) Service may be made by electronic telefacsimile transmission, and shall be regarded as completed upon production by the telefacsimile device of confirmation of transmission, together with same day mailing of a copy of the papers, postage prepaid and properly addressed, to the person being served.

On the same day that service of any papers is completed, WAC 391-08-120(4) requires the person who completed the service to either obtain an acknowledgment of service from the person who accepted personal service, or make a certificate stating the date and the approved method of service used by the person signing the certificate.

E. AGREEMENT TO ARBITRATE The availability of PERC's grievance mediation services is limited to cases in which the parties have agreed in advance that any unresolved issues which either party desires to pursue further will be submitted to an arbitrator for a final and binding determination.

F. CONFIDENTIALITY A mediator may meet with the parties jointly or separately, and take such other steps as are deemed appropriate in order to persuade the parties to resolve their differences and reach an agreement. A mediator works without power of compulsion. In order to protect the confidential nature of the mediation process, PERC rules prohibit disclosure to any person of notes and memoranda made by any member of the commission or its staff as a recording of communication made or received while acting in the capacity of a mediator between the parties to a labor dispute. WAC 391-08-810. Additionally, no subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the commission or any member of the PERC staff. WAC 391-08-310